

### **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated November 21, 2006 (hereinafter Office Action) have been considered. Claims 1-32 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 22-25 are rejected under 35 U.S.C. §101 because the claimed invention is directed to no-statutory subject matter. The Applicant respectfully traverses the rejection. According to paragraph 3 of the Office Action “[i]n view of applicant’s disclosure...the readable medium is not limited to tangible embodiments.” Applicant respectfully disagrees. The Specification states, in relevant part:

Articles of manufacture encompassing code to carry out functions associated with the present invention are intended to encompass a computer program that exists permanently or temporarily on any computer-usable medium **or** in any transmitting medium which transmits such a program. Transmitting mediums include, but are not limited to, transmissions via wireless/radio wave communication networks, the Internet, intranets, telephone/modem-based network communication, hard-wired/cabled communication network, satellite communication, and other stationary or mobile network systems/communication links. (Specification, paragraph 0075)(emphasis added)

As should be apparent from this excerpt, articles of manufacture may include a computer program, and such program can exist in a computer usable medium or a transmitting medium. Thus it would be unreasonable to conclude that the above paragraph is defining a computer usable medium to include a transmitting medium. On the contrary, a clear distinction has been made between a computer usable medium and a transmitting medium by the use of the conjunctive “or.” As such, Applicant respectfully submits that Claims 22-25, which are directed to computer readable medium, are clearly directed to statutory subject matter. However, in the interest of facilitating prosecution, Applicant has amended

Claim 22 to read a “tangible computer-readable medium.” Withdrawal of the rejection is therefore respectfully solicited.

Claims 1-32 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant traverses the rejections. Applicant submits that the Specification as filed describes interprocess communications in such a way as to reasonably convey to one skilled in the art at the time the Application was filed that the Applicant had possession of the claimed invention (see, e.g., paragraph 0042 of the Specification). Nonetheless, Applicant submits that the amendments to independent Claims 1, 12, 17, 22, 26, and 30 render this rejection moot, and withdrawal of the rejection is respectfully solicited.

Claims 1, 2, 4, 7, 9, 12, 13, 15, 16, 22, 23, 26, 27 and 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0236912 by Klemets et al. (hereinafter “*Klemets*”), in view of U.S. Publication No. 2003/0088421 by Maes et al. (hereinafter “*Maes*”), further in view of U.S. Publication No. 2004/0133683 by Keller et al. (hereinafter “*Keller*”). Applicant respectfully traverses the rejections. The Applicant respectfully submits that the claims as originally filed are not rendered obvious by the combination of *Klemets*, *Maes* and *Keller*. However, in order to facilitate prosecution of the application, the Applicant presents this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically.

For example, Claim 1 has been amended to set forth that a multimedia session request is received from a network entity via an application of a terminal. A session descriptor request is formed by the application to determine multimedia capabilities of the terminal in response to the multimedia session request. The session descriptor request is communicated from the application to a session descriptor module of the terminal, wherein the session descriptor module operates on the terminal independently of the application. The session descriptor module forms a session descriptor in response and sends it to the application. The Applicant submits that the combination of references at least fails to teach or suggest a session description module and an application module that run on the same

terminal. The references also fail to teach or suggest that the application requests a description from the module to determine the capabilities of terminal on which the application is running.

In the rejection of Claims 1, 12, 22, 26, and 30, the Examiner relies on paragraphs 0032, 0041, and 0097-0139 of *Klemets* to show communicating a request to a session descriptor module of a computing arrangement for a session descriptor usable by an application for initiating a multimedia session via a network. The Applicant respectfully disagrees, noting that all communications of SDP data described in *Klemets* occurs between network hosts, and none of these communications occur between applications and modules independently running on the same terminal. For example, *Klemets* states “the client computer renders streaming data as it is received from a network server,” (*Klemets*, para. 0003) and “session description message are encoded within a data signal ... for delivery over a communications channel. The communications channel may be any data communication network.” (*Klemets*, para. 0028).

The portions of *Klemets* relied upon in the rejection describe a **host-to-host** exchange of SDP data between a client and a server via a network in order to establish sessions between the same hosts via the network. As such, the communications are occurring between SIP enabled applications running on network hosts, and not between an application and a session description module. *Klements* does not suggest that any application that runs on a terminal determines the terminal’s capability from an independently running module of that terminal. On the contrary, paragraph 0032 of *Klements* states “the client 106 sends an RTSP DESCRIBE request to the media server 104 [and] the server 104 responds to the RTSP DESCRIBE request with an SDP message.” This is clearly describing host-to-host session establishment of a session using SDP. The SDP message provided from the server does not describe the capabilities of the **client**, but describes the capabilities of the **server**.

The Office Action recognizes that *Klemets* fails to disclose communicating requests using interprocess communication, but states that “Keller describes communicating the request via an inter process communication facility.” (Office Action, paragraph 10).

Although *Keller* may describe use the term “IPC,” Applicant submits that *Keller* does not teach or suggest communicating a session description request from an application to a session description module of the same terminal so that the application can determine multimedia capabilities of the terminal. *Keller* describes “group communications between at least two endpoints (e.g., endpoints 240 and 242)” and a session controller 206 located between session endpoints (*Keller*, 0026 and 0036-0037). An individual proxy 216 also resides between network endpoints (*Keller*, 0041). As a result, when *Keller* states in paragraph 0043 “the interaction between the individual proxy 216 and the session controller 206 can occur through any of a number of conventional mechanisms such as IPC,” it would be unreasonable to suggest that *Keller* is describing communications between processes on a terminal.

As should be apparent from FIG. 2 of *Keller*, neither the session controller 206 nor the individual proxy 216 would be considered a terminal as the term is known in the relevant art. In *Keller*, the endpoints 240 and 242 may act as terminals (e.g., *Keller*, 0008-0009) but are not described as using IPC. Further, paragraph 0043 of *Keller* states that “the individual proxy 216, which interacts with the session controller 206 to determine if the session should be established or denied as a function of factors that include the availability of system resources required to handle the session's traffic, endpoint resources and capabilities, or other parameters such as authentication, authorization, and access policies.” Therefore, the communications between the individual proxy 216 and session controller 206 are not used to determine the multimedia capabilities of the entities 216, 206 themselves, but are used to determine system resources, endpoint resources, and endpoint capabilities.

The Applicants respectfully submit that none of *Klemets*, *Keller*, and *Maes* even suggest communications that occur between two processes on a terminal. Even if it were assumed that these references deal to some extent with how individual network entities determine each others’ capabilities, the Applicant submits that these teachings are not pertinent to Claims 1, 12, 22, 26, and 30. These claims are directed to how applications within a terminal determine the terminal’s capabilities. For example, the applications run on a terminal and establish sessions with a network entity outside the terminal. The

applications determine terminal capabilities from a session descriptor module of the terminal, and not the network entity. The applications are not establishing multimedia sessions with the session descriptor module, nor is the session descriptor module affiliated with the network entity. The descriptions in *Klemets*, *Keller*, and *Maes* of negotiating capabilities between network endpoints are related to a different set of technological issues than those issues encountered by terminal applications that are trying to determine the capabilities of the device on which they are running. Applicant at least points out that the applications that are the subject of Applicant's claims determine terminal capabilities **before** the applications can even attempt to negotiate capabilities with another network endpoint. The Applicant submits that the cited combination of references fail to teach or suggest all of the limitations of Claims 1, 12, 22, 26, and 30 and as such a *prima facie* case of obviousness has not been established. Therefore the Applicant respectfully requests allowance of Claims 1, 12, 22, 26, and 30.

Claims 2, 4, 7, and 9 depend from independent Claim 1; Claims 13, 15, and 16 depend from independent Claim 12; Claim 23 depends from independent Claim 22; Claim 27 and 29 depend from independent Claim 26; and dependent Claim 31 depends from independent Claim 30. These dependent claims also stand rejected under 35 U.S.C. §103(a) as being rendered obvious by *Klemets* in view of *Keller* and *Maes*. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 12, 22, 26, and 30. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the respective references. Therefore, dependent Claims 2, 4, 7, 9, 13, 15, 16, 23, 27, 29, and 31 are also in condition for allowance.

Claims 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Klemets*, in view of U.S. Publication No. 2004/0009761 by Money (hereinafter "*Money*"), further in view of *Keller*. Claims 3, 5, 6, 14, 24, 28 and 32 stand rejected based on 35 U.S.C. §103(a) as being unpatentable over *Klemets*, *Maes*, and *Keller*, and further in view

of U.S. Patent No. 6,845,389 to Sen et al. (hereinafter "*Sen*"). Claims 8, 10, 11 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Klemets*, *Maes*, and *Keller*, further in view of U.S. Publication No. 2002/0129236 by Nuutinen (hereinafter "*Nuutinen*").

In light of the amendment and arguments presented hereinabove relative to rejections of Applicant's independent Claims 1, 12, 22, 26, and 30 based on *Klemets* and *Maes*, the Applicants respectfully submit that Claims 3, 5, 6, 8, 10, 11, 14, 17-21, 24, 25, 28 and 32 are also allowable over the respective references. Regarding Claims 17-21, the Examiner relies on *Klemets* as teaching the substance of independent Claim 17. As previously argued above with reference to Claims 1, 12, 22, 26, and 30, *Klemets* fails to teach or suggest at least a terminal that includes a session descriptor module and an application in memory, wherein the session descriptor module and the application are capable of communicating with each other within the terminal. *Klemets* also fails to teach or suggest a processor of the terminal is operable by the session descriptor module to receive a request for a multimedia session descriptor from the application to determine multimedia capabilities of the terminal, and communicate a multimedia session descriptor to the application to enable establishment of the multimedia session via the application. *Money* is not relied upon to cure the deficiencies of *Klemets* as applied to Claim 17, nor does *Money* provide such a remedy. Therefore the combination of *Klements* and *Money* do not teach or suggest all of the limitations of Claim 17, and as such a *prima facie* case of obviousness has not been established. Applicant thus respectfully requests allowance of Claim 17-21.

Regarding Claims 3, 5, 6, 8, 10, 11, 14, 24, 25, 28 and 32, the Examiner relies on the combination of *Klemets*, *Maes*, and *Keller* as teaching the substance of the claims from which these claims are ultimately dependent, namely, independent Claims 1, 12, 22, 26, and 30. The Examiner does not rely on *Sen* or *Nuutinen* to remedy to the deficiencies of *Klemets*, *Maes*, and *Keller* as it pertains to the independent claims, nor do *Sen* or *Nuutinen* provide such a remedy. Thus, because none of the references teach at least the recitations of the independent claims, combinations of *Klemets*, *Maes*, and *Keller* with *Sen* or *Nuutinen*

fails to teach these recitations. Further, these combinations fail to suggest the invention set forth in the independent claims, as there is no reference to a session description module and an application that are independently running on a computing arrangement. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations, and respectfully submit that Claims 3, 5, 6, 8, 10, 11, 14, 17-21, 24, 25, 28 and 32 are allowable.

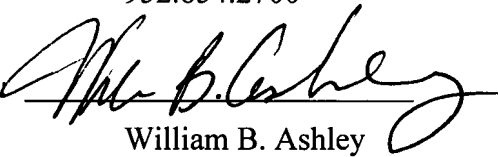
Authorization is given to charge Deposit Account No. 50-3581 (NSN.020.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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